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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,518	07/02/2001	David James Stevenson	01-491	2537

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EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,518	STEVENSON ET AL.	
	Examiner	Art Unit	
	Michael D Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/01, 1/02, 4/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *PTO-1449 3/03*.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Specification

2. The disclosure is objected to because of the following informalities: Line 31 of page 9 discloses "Table 3." There is no Table 3 in the disclosure. Examiner believes applicant meant to disclose "Table 1" in this instance. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5, 8, 15-16, 19, and 21-24 rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (U.S. 5,223,827) hereinafter referred to as Bell.

a. As per claims 1 and 21-23, Bell teaches: receiving network management data relating to an event condition (lines 15-24 of column 1 and line 56 of column 3 through line 5 of column 4); and determining whether a predetermined number of equivalent event shave been generated in a preceding time period (line 54 of column 1 through line 12 of column 2).

b. As per claim 2, Bell teaches: generating a recurring event if it is determined that the predetermined number of equivalent event have been generated in the preceding time period (abstract and lines 15-62 of column 1).

c. As per claim 5, Bell teaches: the preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

d. As per claims 8 and 24, Bell teaches: receiving network management data relating to an event condition (lines abstract and 15-24 of column 1); and determining whether the monitored characteristic for the event condition is in a recurring state, and processing the data according to whether the monitored characteristic for the event condition is in a recurring state (abstract and lines 15-62 of column 1).

e. As per claim 15, Bell teaches: wherein if it is determined that the monitored characteristic for the event condition is not in a recurring state, the method further comprises determining whether a second predetermined number of equivalent events have been generated in a second preceding time period (line 51 of column 2 through line 12 of column 3).

f. As per claim 16, Bell teaches: generating a recurring event if it is determined that the second predetermined number of equivalent event have been generated in the second preceding time period (abstract and lines 15-62 of column 1).

g. As per claim 19, Bell teaches: if it is determined that the second predetermined number of equivalent events have not been generated in the second preceding time period, the method further comprises generating an event for presentation in the event list to the user (abstract and lines 15-62 of column 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell as applied to claim 2, in view of Andersen (U.S. 6,434,715 B1).

a. As per claim 3, Bell fails to teach: preventing a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition in the system as taught by Bell.

b. As per claim 4, Bell fails to teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

7. Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell as applied to claim 1, in view of Andersen

a. As per claim 6, Bell teaches: data relating to an event is recorded in an event storage.

Bell fails to teach: recorded event data includes the time of the event; and the step of determining whether a predetermined number of equivalent events have been generated in a preceding time period comprising: determining the number of equivalent events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2); and "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made. This information may be displayed at the trip unit 30 or at a central computer (not shown). This may be displayed (or printed) in the form of a log or by type of event along with the number of repeat events, the time since the prior event occurrence and/or the frequency of such event occurrences," (lines 62-67 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have recorded event data include the time of the event; and the step of determining whether a predetermined number of equivalent events have been generated in a preceding time period comprising: determining the number of equivalent

events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have recorded event data include the time of the event; and the step of determining whether a predetermined number of equivalent events have been generated in a preceding time period comprising: determining the number of equivalent events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number in the system as taught by Bell.

b. As per claim 7, Bell fails to teach: if it is determined that a predetermined number of equivalent events have been generated in the preceding time period, the method places one of the equivalent events in a recurring state and prevents the received data relating to the event condition from being presented in the event list to the user. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be

programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine if a predetermined number of equivalent events have been generated in the preceding time period, the method places one of the equivalent events in a recurring state and prevents the received data relating to the event condition from being presented in the event list to the user. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to determine if a predetermined number of equivalent events have been generated in the preceding time period, the method places one of the equivalent events in a recurring state and prevents the received data relating to the event condition from being presented in the event list to the user in the system as taught by Bell.

8. Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell as applied to claim 8, in view of Andersen

a. As per claim 9, Bell teaches: considering whether a recurring event in relation to the event condition is present in the event list (lines 54-62 of column 2).

Bell fails to teach: determining that the monitored characteristic for the event condition is in a recurring state. However, Andersen discloses: "It is verified if conditions in columns 5, 6 or 7 meriting a Repeat event has been met. If so the appropriate event(s) are re(gen)erated. Either a unique event number is associated with each condition or the event message passes along parameters allowing for the user to identify which condition was met to generate the event," (lines 48-53 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine that the monitored characteristic for the event condition is in a recurring state. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to determine that the monitored characteristic for the event condition is in a recurring state in the system as taught by Bell.

b. As per claim 10, Bell fails to teach: determining whether the even condition has occurred more than a first predetermined number of times in a first preceding time period if it is determined that the monitored characteristic for the event condition is in a recurring state. However, Andersen discloses: "A limit may be set as to

how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made. This information may be displayed at the trip unit 30 or at a central computer (not shown). This may be displayed (or printed) in the form of a log or by type of event along with the number of repeat events, the time since the prior event occurrence and/or the frequency of such event occurrences," (lines 58-67 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine whether the even condition has occurred more than a first predetermined number of times in a first preceding time period if it is determined that the monitored characteristic for the event condition is in a recurring state. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4); and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to determine whether the even condition has occurred more than a first predetermined number of times in a first preceding time period if it is determined that the monitored characteristic for the event condition is in a recurring state in the system as taught by Bell.

9. Claims 11-14 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Andersen as applied to claim 10.

a. As per claim 11, Bell fails to teach: if it is determined that the event condition has occurred more than the first predetermined number of times in the first preceding time period, the method further comprising preventing the received data relating to the event condition from being presented in the event list to the user. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to prevent the received data relating to the event condition from being presented in the event list to the user if it is determined that the event condition has occurred more than the first predetermined number of times in the first preceding time period. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to prevent the received data relating to

the event condition from being presented in the event list to the user if it is determined that the event condition has occurred more than the first predetermined number of times in the first preceding time period in the system as taught by Bell.

b. As per claim 12, Bell fails to teach adding the time of the received data relating to the event condition to event data of the event in the recurring state.

However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the time of the received data relating to the event condition to event data of the event in the recurring state. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add the time of the received data relating to the event condition to event data of the event in the recurring state in the system as taught by Bell.

c. As per claim 13, Bell teaches: if it is determined that the event condition has not occurred more than the first predetermined number of times in the first

immediately preceding time period, the method further comprises generating an event for presentation in the event list to the user (abstract and lines 15-62 of column 1).

d. As per claim 14, Bell teaches: the generated event is not a recurring event (abstract and lines 34-50 of column 2).

e. As per claim 20, Bell teaches: the first and/or second preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

10. Claims 17-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell as applied to claim 16, in view of Andersen.

a. As per claim 17, Bell fails to teach: preventing a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition in the system as taught by Bell.

b. As per claim 18, Bell fails to teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gaffaney et al. (U.S. 5,634,008) discloses method and system for threshold occurrence detection in a communications network.

Ordanic et al. (U.S. 5,751,964) discloses system and method for automatic determination of thresholds in network management.

Rangaraian et al. (U.S. 5,828,830) discloses method and system for prioritizing and filtering traps from network devices.

Dowden et al. (U.S. 5,923,247) discloses fault monitoring.

Jones et al. (U.S. 6,044,407) discloses interface for translating an information message from one protocol to another and filtering messages.

Nayler (U.S. 6,438,184 B1) discloses apparatus and method for adjusting an input gain and comparator threshold value within an access identifier interval on a telephone line medium.

Ronstrom (U.S. 6,438,707 B1) discloses fault tolerant computer system.

Ditmet et al. (U.S. 6,473,407 B1) discloses integrated proxy interface for web based alarm management tools.

MacFarlane et al. (U.S. 6,516,348 B1) discloses collecting and predicting capacity information for composite network resource formed by combining ports of an access server and/or links of wide area network.

Johnson et al. (U.S. 6,553,336 B1) discloses smart remote monitoring system and method.

Groath et al. (U.S. 6,571,285 B1) discloses providing an integrated service assurance environment for a network.

Easton (U.S. 6,574,792 B1) discloses dynamically generating expanded user messages in a computer system.

Bell et al. (EP 0,515,296 A1) discloses process and apparatus for managing network event counters.

Phaal (GB 2,271,918 A) discloses monitoring system status.

Yoshida (GB 2,286,317 A) discloses centralized network monitoring device.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382, or at (571) 272-3899 after October 26th, 2004. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705, or at (571) 272-3896 after October 26th, 2004. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.

JASON CARDONE
PRIMARY EXAMINER
AU: 2145